

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 1:24-00144

RANDY HIGHTOWER

MEMORANDUM OPINION AND ORDER

Pending before the court are two pretrial motions filed by defendant. In the first motion, defendant asks the court to order the government to produce videos or pictures that may exist in or around the time, date, and location defendant was found to be in possession of a weapon. See ECF No. 38. The government responded to defendant's motion, indicating that no such video or pictures exist. See ECF No. 40. Accordingly, the motion is **DENIED** as moot.

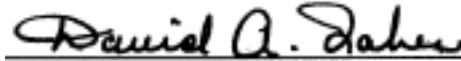
The second motion is a motion in limine seeking to bar the government from using defendant's prior bad acts and prison disciplinary record at trial. See ECF No. 39. The government has indicated that it will not seek to use that evidence in its case-in-chief but reserves the right to do so on cross examination should defendant testify. See ECF No. 41. Therefore, defendant's motion is **GRANTED** insofar as it asks that the government be prohibited from introducing defendant's prior bad acts or disciplinary record in its case-in-chief.

There being no further pretrial motions requiring ruling by the court, the pretrial motions hearing scheduled for March 5, 2025, is **CANCELLED**.

The Clerk is directed to send a copy of this Order to counsel of record, the Probation Office of this court, and the United States Marshal for the Southern District of West Virginia.

It is SO ORDERED this 3rd day of March, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge